

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 18, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 4:21-cr-06042-SMJ-(1), (2),
(3), (4), (9), (11), (12), (13), (14), (15),
(16), (18), (20), (21), (22), and (23)

**ORDER GRANTING MOTION
TO CONTINUE AND DECLARE
CASE COMPLEX**

ALI ABED YASER,
(a/k/a “Abu Hasanain”),
HUSSEIN A. YASIR
(a/k/a “Abu Fakhri”),
INSAF A. KARAWI,
HASANEIN A. YASER,
NOOR TAHSEEN AL-MAAREJ
(a/k/a “Noor T. Almarej”),
RANA J. KAABAWI,
AMAR F. ABDUL-SALAM,
AMEER R. MOHAMMED,
MOHAMMED F. AL-HIMRANI,
MARIA ELENA SANCHEZ,
SEIFEDDINE A AL-KINANI,
FIRAS S. HADI,
KHALIL ABDUL-RAZAQ,
JESUS GEORGE SANCHEZ,
SINAN AKRAWI, and
MOHAMMED NAJI AL-JIBORY,

**AMENDED¹ CASE
MANAGEMENT ORDER**

Defendants.

¹This Order amends and supersedes in part the Court’s Case Management Orders, ECF Nos. 110, 154.

1 Before the Court, without oral argument, is Defendant Khalil Abdul-Razaq's
2 Motion to Continue Pre-Trial and Trial Dates and Declare Case Complex, ECF No.
3 158. Defense counsel Zachary L. Ayers requests a continuance of the pretrial
4 motions filing deadline, the pretrial conference, and the trial, to allow more time to
5 examine discovery, prepare any related motions, and prepare for trial. Defense
6 counsel Ayers also requests that this case be certified as complex pursuant 18 USC
7 § 3461(h)(7)(B), noting that this case alleges a twenty-three person conspiracy
8 spanning three years. Assistant U.S. Attorney Dominique Park, appearing on behalf
9 of the Government, does not note whether the Government objects to the motion to
10 continue and certify. Still, in response to this Court's Order, ECF No. 185, the
11 Government has disclosed an extensive list of anticipated discovery, including over
12 fifteen terabytes of production in the form of video footage and imaged electronic
13 devices. ECF No. 228 at 2. In response to the Court's January 10, 2022 Text Order,
14 ECF No. 185, only Defendant Hussein A. Yasir (02) has filed an objection, arguing
15 that the continuance should be for a period of six months rather than an unspecified
16 one. ECF No. 215.

17 To ensure defense counsel is afforded adequate time to review discovery,
18 prepare any pretrial motions, conduct investigation, and prepare for trial, the Court
19 grants the motion, extends the pretrial motion deadline, and resets the currently
20 scheduled pretrial conference and trial dates. The Court finds that Defendant's

1 continuance request is knowing, intelligent, and voluntary, and that the ends of
2 justice served by granting a continuance outweigh the best interest of the public and
3 Defendant in a speedy trial. The delay resulting from Defendant's motion is
4 therefore excluded under the Speedy Trial Act, and this case is certified as complex
5 pursuant to 18 U.S.C. § 3161.

6 Counsel are advised that all successive continuance requests will be closely
7 scrutinized for the necessity of more time to effectively prepare, taking into account
8 the exercise of due diligence.

9 Having considered the parties' proposed case schedule and deadlines, the
10 Court now enters the following Amended Case Management Order, which sets forth
11 the deadlines, hearings, and requirements the parties will observe in this matter. To
12 the extent this Order conflicts with any previously entered Orders in this matter, this
13 Order shall govern. All counsel are expected to carefully read and abide by this
14 Order and such provisions of the current CMO which have not been superseded
15 hereby. The Court will grant relief from the requirements in this Order only upon
16 motion and good cause shown.

17 Accordingly, **IT IS HEREBY ORDERED:**

- 18 **1.** Defendant Khalil Abdul-Razaq's Motion to Continue Pre-Trial and
19 Trial Dates and Declare Case Complex, **ECF No. 158**, is **GRANTED**.

1 2. The motions for joinder in ECF No. 158 and related motions to
2 expedite, **ECF Nos. 193, 204, 209, 216–17, 220**, are **GRANTED**.

3 3. The Court finds, given defense counsel’s need for time to review
4 discovery, prepare any pretrial motions, conduct investigation, and
5 prepare for trial, that failing to grant a continuance would result in a
6 miscarriage of justice and would deny defense counsel the reasonable
7 time necessary for effective preparation, taking into account the
8 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i)–(ii). The
9 Court, therefore, finds the ends of justice served by granting a
10 continuance in this matter outweigh the best interest of the public and
11 Defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

12 4. The Court designates Mr. Adam Pechtel, defense counsel for Hussein
13 A. Yasir (02) as the point person to represent the positions of all
14 Defendants for all discovery matters in this case. Defense counsel
15 should not make any motion or representation to the Court regarding
16 discovery without first conferring with Mr. Pechtel or receiving an
17 order from the Court, unless of course the matter concerns ex parte,
18 restricted, or sealed matters that should not be disclosed to Mr. Pechtel.

19 5. **Original CMO. Counsel for all Defendants must review the**
20 provisions of the original CMOs, ECF Nos. 110, 154, and abide by

1 those procedures which remain in full force and effect and are
2 incorporated herein except for the new compliance deadlines in the
3 following Summary of Amended Deadlines.

4 **6. Pretrial Conference**

5 **A.** The current pretrial conference date of January 20, 2022, is
6 **STRICKEN and RESET to July 21, 2022 at 9:00 A.M. in**
7 **RICHLAND.** At this hearing, the Court will hear **ALL** pretrial
8 motions that are noted for oral argument.

9 **B.** All Pretrial Conferences are scheduled to last no more than
10 **thirty (30) minutes**, with each side allotted **fifteen (15)**
11 **minutes** to present their own motions and resist motions by
12 opposing counsel. If any party anticipates requiring longer than
13 fifteen minutes, that party must notify the Courtroom Deputy at
14 least seven (7) days prior to the hearing. **Any party who fails**
15 **to provide this notice will be limited to fifteen (15) minutes.**

16 **C.** If a case has more than one defendant, the Court will construe
17 any motion, including motions to continue, as applying to *all*
18 defendants, unless that defendant indicates they do not wish to
19 be joined in the motion. **Defendants thus do not need to file**
20 **motions to join.**

1 **D. Sealed Documents.** Any and all sealed documents (e.g., medical
2 records) shall be filed by the parties under the sealed event as a
3 sealed document. The parties are not required to file a separate
4 motion to seal the documents. The parties shall file any
5 objections to the sealed document(s) by **no later than five days**
6 after the filing of the sealed document(s).

7 If a motion is to be heard with oral argument, and a party plans to call
8 witnesses or present exhibits, that party must file an exhibit and/or witness list by
9 no later than **seventy-two hours** before the hearing on the motion.

10 Absent extraordinary circumstances, such as the discovery or receipt of new
11 evidence, amended exhibit or witness lists are disfavored. Any party filing such a
12 list must do so as soon as practicable and notify the Courtroom Deputy. The day
13 before the hearing, the Courtroom Deputy will send to the parties the final exhibit
14 and witness lists. If a party receives and intends to use an exhibit after the final list
15 has been sent out, the party shall notify the Courtroom Deputy as soon as
16 practicable.

- 17 • **Numbering:** the parties shall follow the numbering system outlined for trial
18 exhibits. The Government shall consecutively number their exhibits from **1**
19 **to 999**. In single-defendant cases, Defendant shall consecutively number
20 exhibits from **1000 to 1999**; in multi-defendant cases, Defendants shall

1 consecutively number exhibits from x000 to x999, substituting “x” for each
2 Defendant’s assigned case identifier (e.g., Defendant 3 would number
3 exhibits from 3000 to 3999). Exhibits shall be pre-marked for identification
4 before the hearing commences. Any deviations from these policies should
5 be discussed with the Courtroom Deputy.

- 6 • **Identifying Exhibits:** For each listed exhibit, the party shall include a brief
7 description of the exhibit. If the exhibit has been previously submitted to the
8 Court as an attachment, the party shall also identify the **ECF number**.
- 9 • **Courtesy Copy Policy:** Courtesy copies of exhibits (e.g., courtesy binders)
10 are **NOT** required. However, if a party wishes to provide the Court with
11 courtesy copies, the party shall provide **two** copies.

12 *E.* If a party intends to use a laptop, thumb drive, or DVD or CD
13 for presentation of documents, or audio or video recordings, that
14 party must contact the Courtroom Deputy at least **two weeks**
15 prior to the hearing and confirm the compatibility of the
16 technology and equipment.

17 *F.* If a party intends to use a demonstrative exhibit, such as a
18 PowerPoint presentation, it must be submitted to the Court and
19 all opposing parties at least **twenty-four hours** prior to its
20 intended use.

7. **Trial.** The current trial date of February 22, 2022, is **STRICKEN** and **RESET** to **August 22, 2022**, at **9:00 A.M.** in **RICHLAND**. The **final** pretrial conference will begin at **8:30 A.M.**

8. Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i)–(ii), the Court **DECLARES EXCLUDABLE** from **Speedy Trial Act** calculations the period from **December 29, 2021**, the date defense counsel moved to continue, through **August 22, 2022**, the new trial date, as the period of delay granted for adequate preparation by counsel.

9. **By no later than January 28, 2022**, each Defendant shall file either an objection to this continuance or else a Statement of Reasons using the above dates. Counsel are reminded that, due to the public health advisories and other restrictions imposed in response to the COVID-19 pandemic, the Court permits counsel to submit Defendant's Statement of Reasons with counsel's certification that Defendant has reviewed the document and consents to counsel signing the statement of reasons on their behalf.

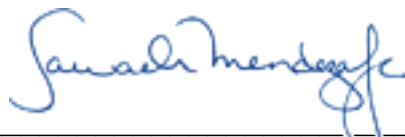
10. Summary of Deadlines

All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	June 16, 2022
PRETRIAL CONFERENCE <i>Deadline for motions to continue trial</i>	July 21, 2022 9:00 A.M. - RICHLAND

1	CIs' identities and willingness to be interviewed disclosed to Defendant/s (if applicable)	August 8, 2022
2	Grand jury transcripts produced to Defendant/s	
3	Case Agent:	August 8, 2022
4	CIs:	August 8, 2022
5	Other Witnesses:	August 8, 2022
6	Exhibit lists filed and emailed to the Court	August 12, 2022
7	Witness lists filed and emailed to the Court	August 12, 2022
8	Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	August 10, 2022
9	Exhibit binders delivered to all parties and to the Court	August 12, 2022
10	Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	August 16, 2022
11	Trial notices filed with the Court	August 12, 2022
12	Technology readiness meeting (in-person)	August 16, 2022
13	FINAL PRETRIAL CONFERENCE	August 22, 2022 8:30 A.M. - RICHLAND
14	JURY TRIAL	August 22, 2022 9:00 a.m. - RICHLAND

15 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
 16 provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals
 17 Service.

18 **DATED** this 18th day of January 2022.

19 

20 **SALVADOR MENDOZA, JR.**
 United States District Judge